APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/703,828	11/01/2000	Raymond Kurzweil	11327-008001	4191

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ART UNIT	PAPER NUMBER
2173	7

DATE MAILED: 04/23/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 07-01)

Office Action Summary	Application No.	Applicant(s)
	09/703,828	KURZWEIL ET AL.
	Examiner	**Art Unit**
	Blaine Basom	2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☐ Responsive to communication(s) filed on _____ .

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-32</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1-32</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on <u>01 November 2000</u> is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) ☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____ .

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

    a) ☐ The translation of the foreign language provisional application has been received.

15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>4</u> .

4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: .

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 8, 9, 13, 14, 15, and 18-21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 8, there is no antecedent basis for "the poet personalities." In claim 9, there is no antecedent basis for "the order." In claims 13 and 19, there is no antecedent basis for "the user input word" and "the link structure." Claim 20 depends on rejected claim 19 and includes all of the limitations of claim 19 thereby rendering this dependent claim indefinite. Additionally, there is no antecedent basis for "the data structures" recited in claims 14, 15, and 21. Further regarding claims 15 and 21, there is no antecedent basis for "the pre-existing compositions" and "the analyzed composition." In claim 18, there is no antecedent basis for "the generated text."

Claim Objections

Claims 15 and 21 are objected to because of the following informalities: The sentences of claims 15 and 21 are in improper grammatical form. For example, the phrases "while examine weights" and "tend to repeat same words" occur in each of the claims, but are grammatically incorrect. Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-4, 6-10, are rejected under 35 U.S.C. 103(a) as being unpatentable over "The

Angelic Beat Haiku Machine," as taught by Jay Zasa, and also over the Microsoft Windows NT

4.0 Operating System, as taught by Jacquelyn Gavron and Joseph Moran in the book entitled

"How to Use Microsoft Windows NT Workstation" (which is hereafter referred to as "Gavron").

With respect to claim 1, Zasa presents "The Angelic Beat Haiku Machine" which is a software

program that generates original haikus. According to Zasa,

My role was to provide raw materials that I felt might produce interesting results. So I built the templates, which were more complicated to design than you might think, and mindfully populated (and weighted) the universe of words that the computer draws from.

I chose the "Beat" theme because I thought the results might resemble Jack Kerouac's formulation for the American Haiku: don't count syllables, just write a short, vivid, three-line poem (also, building a generator that made strict 17-syllable haiku would have been considerably more difficult.) I tried to skew the database to give the haiku a "Beat" flavor by stressing the words that the Beat Poets favored – night, road, angel, eternity, tea, etc.

Thus Zasa describes templates, whereby it is interpreted that words from a "universe of words"

are input into these templates to generate haikus. The templates and the universe of words are

skewed such that the resulting haikus resemble the poems of Jack Kerouac and other Beat Poets.

Consequently, it is understood that when "The Angelic Beat Haiku Machine" is loaded to be

executed, an author analysis model is also loaded, wherein this author analysis model comprises

this universe of words and these templates, which are created from an analysis of Beat poem

authors, and which provide resulting haikus that have a "Beat flavor." Further regarding claim 1,

Zasa states,

There are other haiku generators out there, but they usually just pump out some poetry at random and then stop. What makes this one different is the fact that you can regenerate each line as many times as you want and then you decide when it is finished, so your own personal artistic judgment comes into play.

Therefore "The Angelic Beat Haiku Machine" of Zasa creates poetry at random, but unlike other

haiku generators, "The Angelic Beat Haiku Machine" allows a user to regenerate each line as

many times as he or she desires. Since the haikus are created from templates, whereby it is

interpreted that words from a universe of words are input into these templates, it is understood

that randomly creating such haikus implies randomly selecting words from the universe of words

and then inputting these randomly selected words into the templates. The first word in a haiku

created by "The Angelic Beat Haiku Machine" is considered a seed word. Zasa therefore teaches

randomly selecting a seed word from the universe of words, which as described above is

considered part of an author analysis model, and then completing a poem following the seed

word by randomly selecting the words following the seed word. Zasa however does not

explicitly teach displaying this poem, as a screen saver, on an output device, as is recited in claim

1.

According to Gavron, Windows NT 4.0 offers a number of screen savers for a user,

wherein these screen savers are displayed on the user's computer monitor (see page 130).

Gavron also states that "screen savers are used primarily to give us (and passersby) something

interesting and fun to look at while the computer is not in use" (see page 130).

Therefore, it would have been obvious to one of ordinary skill in the art, having the teachings of Zasa and Gavron before him at the time the invention was made, to modify "The Angelic Beat Haiku Machine" taught by Zasa, such that it is implemented as a screen saver, like those taught by Gavron. "The Angelic Beat Haiku Machine" would consequently display a poem, as a screen saver, on a computer monitor. It would have been advantageous to one of ordinary skill to utilize such a combination because the resulting screen saver would provide something interesting and fun to look at while the computer is not in use, as is taught by Gavron.

Referring to claim 2, "The Angelic Beat Haiku Machine" of Zasa, as modified by the teachings of Gavron, displays a poem as a screen saver on a computer monitor, i.e. display device, as is shown above.

With respect to claim 3, it is understood that "The Angelic Beat Haiku Machine" of Zasa, as modified by the teachings of Gavron, is implemented on a computer. Consequently, it is understood that such a computer has a central processing unit, a random access memory, a computer readable medium, and a display unit, as is known in the art. It is further understood that "The Angelic Beat Haiku Machine" of Zasa, as modified by the teachings of Gavron, would reside on the computer readable medium and be executed by the central processor, as is known in the art. As shown above, this "Angelic Beat Haiku Machine" automatically composes text, in the form of a poem, which appears on the display unit during screen saver mode. Consequently "The Angelic Beat Haiku Machine" of Zasa, as modified by the teachings of Gavron, is considered a computer program product, and the computer implementing this "Angelic Beat Haiku Machine" is considered an automatic composition system like that of claim 3.

Regarding claim 11, "The Angelic Beat Haiku Machine" of Zasa, as modified by the teachings of Gavron, presents the idea for automatically composing text, which appears as a poem on a display unit of a system during a screen saver mode entered into by the system, as is shown above in the rejection for claim 1.

As per claims 23 and 27, "The Angelic Beat Haiku Machine" disclosed by Zasa is a computer program that composes poetry. Consequently, "The Angelic Beat Haiku Machine" of Zasa, as modified by the teachings of Gavron as described above in the rejection for claims 1 and 3, is considered equivalent to the computer program product recited in claims 23 and 27.

In reference to claim 4, "The Angelic Beat Haiku Machine" of Zasa, as modified by the teachings of Gavron, automatically composes text, in the form of a poem, which appears on the display unit during screen saver mode, as is shown above.

As per claims 6, 17, and 25, Gavron discloses that Windows NT 4.0 includes a "display icon," which when selected, results in the display of a "Display Properties" interface, i.e. window (see "step 2" on page 131). This window includes a "Screen Saver" tab, which when selected opens a dialogue box having an option to provide basic screen saver options, such as the length of time to wait before initiating screen saver mode (see "step 5" on page 131). Consequently, the combination of Zasa and Gavron, as described above, teaches selecting an interface that includes a screen saver interface option to open a dialogue box having an option to provide basic screen saver options including at least one of length of time to wait before initiating screen saver mode and, which corner of the screen moving a pointer device to point will initiate screen saver mode.

Referring to claims 7, 8, 9, 12, 18, 22, 26, and 32, "The Angelic Beat Haiku Machine" of Zasa composes haikus that resemble poems from Jack Kerouac and other Beat Poets by following the structure of the Beat Poets' haikus – by not counting syllables, and by stressing words that these Beat Poets favored, as shown above. Consequently, it is understood that one of ordinary skill in the art may apply these teachings to other forms of poetry, or even a specific poet personality, by using the structure and the words of the poems of the specific poet personality. As Windows NT 4.0 includes a screen saver interface option which provides a plurality of screen savers for users to chose from (see "step 3" on page 131 of Gavron), it is understood that the "The Angelic Beat Haiku Machine" of Zasa, as modified by the teachings of Gavron, may include screen savers from a plurality of poet personalities, and would therefore include a screen saver interface option to select from these poet personalities to generate the poems for the screen savers. Regarding claims 8 and 9, "The Angelic Beat Haiku Machine" of Zasa, uses the words from a plurality of Beat Poets to create a haiku that resembles those of the Beat Poets, as is shown above. Zasa also discloses that the universe of words from which "The Angelic Beat Haiku Machine" draws is weighted, supposedly to give priority to these Beat Poets' words over more common words, which results in the haikus having a "Beat flavor," as is shown above. Consequently, it is understood that one of ordinary skill in the art may apply these teachings to provide weights which give one Beat Poet's words priority over another Beat Poet's words, in fact prioritizing the plurality of Beat Poets, such that the resulting haiku more resembles a haiku of a Beat Poet having a higher priority than that having a lower priority. As Windows NT 4.0 includes a screen saver interface option which provides a plurality of basic screen saver options for users to chose from (see "step 3" on page 131 of Gavron), it is

understood that "The Angelic Beat Haiku Machine" of Zasa, as modified by the teachings of

Gavron, may include a screen saver interface option to open a dialogue box to activate a selected

order of priority of using the poet personalities to generate the haikus, or wherein this order may

also be a random or a user-specified sequence.

Regarding claim 10, Gavron discloses that Windows NT 4.0 includes a "Marquee

Display" screen saver which, like "The Angelic Beat Haiku Machine" of Zasa, composes text on

the computer screen (see "steps 3 and 4" on page 131). Moreover, Gavron discloses that

Windows NT 4.0 includes a screen saver interface option to set the style of presentation of this

text, wherein this style option involves background color, font color and size, scrolling

characteristics, and save options (see the "Marquee Setup" window above "step 4" on page 131).

As Windows NT 4.0 includes a screen saver interface option which provides a plurality of screen

savers for users to chose from (see "step 3" on page 131 of Gavron). Consequently, it is

understood that the "The Angelic Beat Haiku Machine" of Zasa, as modified by the teachings of

Gavron, may include a screen saver interface option to set styles of presentation of the poems

including at least one of background color, font color, font size, scrolling characteristics, and

save options.

In reference to claims 13, 19, and 28, the universe of words disclosed by Zasa is

"mindfully populated" and weighted so that the haikus composed by "The Angelic Beat Haiku

Machine" resemble those of Beat Poets, as is shown above. For example, Zasa states that the

words that the Beat Poets favored are stressed, such as night, road, angel, eternity, and tea. Thus

it is understood that an analysis of one or more pre-existing compositions, i.e. poems, from these

Beat Poets is necessitated in order to learn these favored words and populate the universe of

words. The universe of words is considered a data structure. As is well known in the art, such a structure is generally linked in order to facilitate traversal of the structure. Thus the combination of Zasa and Gavron, as described above, teaches analyzing at least on pre-existing composition to generate linked data structures. As is also shown above, a new haiku is generated from the universe of words by randomly selecting a seed word, along with the words that follow it, from the structure and placing the words in a template. The universe of words, being linked, facilitates this task. Consequently, the combination of Zasa and Gavron, as described above, also teaches generating a new composition from the data structures, i.e. universe of words, by using the data structures to locate a word in the linked data structure and determine words that follow it in the linked structure.

With reference to claims 14, 20, and 29, the universe of words disclosed by Zasa is "mindfully populated" and weighted so that the haikus composed by "The Angelic Beat Haiku Machine" resemble those of Beat Poets, as is shown above. For example, Zasa states that the words that the Beat Poets favored are stressed, such as night, road, angel, eternity, and tea. It is understood that one of ordinary skill in the art may extend these teachings such that the universe of words not only includes words that the Beat Poets favored, but also various phrases, or common permutations of phrases, that the Beat Poets favored. Consequently, the universe of words, which is a linked data structure as shown above, may include 1-grams, bigrams, trigrams, and quadrigrams.

Regarding claims 15, 21, and 30, Zasa discloses that a new haiku is generated from the universe of words by randomly selecting a seed word, along with the words that follow it, from the structure and placing the words in a template, as is shown above. The universe of words

disclosed by Zasa is weighted so that the haikus composed by "The Angelic Beat Haiku Machine" resemble those of Beat Poets, as is also shown above. As described above, the universe of words is considered a data structure. Because "The Angelic Beat Haiku Machine" generates *original* haikus, it is understood that the weights are arranged such that while automatically composing words of a haiku, these weights in the universe of words are examined to avoid counts of words in the data structure that would tend to repeat the same words from any pre-existing compositions given a start word in the composition to avoid plagiarism.

Claims 5, 16, 24, and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Zasa and Gavron, which is described above, and also over U.S. Patent No. 6,091,411, which is attributed to Straub et al. (and hereafter referred to as "Straub"). As shown above, the combination of Zasa and Gavron presents a method and program product, like that of claims 1, 11, 23, and 27, for generating a computer-implemented poetry screen saver. In particular, this combination also teaches selecting an interface option that includes a screen saver interface option to open a dialogue box having an option to provide basic screen saver options, as is shown above in the rejection for claim 6. However, this combination of Zasa and Gavron does not disclose that these basic screen saver options include a link to a dialogue box having information on upgrading. In other words, the combination of Zasa and Gavron does not explicitly teach the idea, which is expressed in each of claims 5, 16, 24, and 31, for selecting an interface option that includes a screen saver interface option to open a dialogue box having an option to provide a link to a dialogue box having information on upgrading.

Straub describes "themed enhancements" that alter the appearance and feel of an

operating system graphical user interface by providing a group of resources, including a screen

saver, that relate to a specific theme (see column 2, lines 40-55). Moreover, Straub teaches that

such resources, including the screen saver, may be updated (see column 3, lines 49-52). Straub

particularly states that "because the themed enhancements are recurringly updated, the themed

enhancements are more likely to retain the user's interest, as well as the timeliness of their

information content" (see column 3, line 67- column 4, line 3).

Therefore, it would have been obvious to one of ordinary skill in the art, having the

teachings of Zasa, Gavron, and Straub before him at the time the invention was made, to modify

the method taught by the combination of Zasa and Gavron, such that the screen savers created by

"The Angelic Beat Haiku Machine" of Zasa and Gavron may be updated, like those taught by

Straub. In other words, it would have been obvious to modify the method taught by the Zasa and

Gavron such that the basic screen saver options include a link to a dialogue box having

information on upgrading, the basic screen saver options provided via the interface option that

includes a screen saver interface option to open a dialogue box having an option to provide the

basic screen saver options. It would have been advantageous to one of ordinary skill to utilize

such a combination because the updated screen savers would be more likely to retain the user's

interest, as is taught by Straub.

Conclusion

The prior art made of record on form PTO-892 and not relied upon is considered

pertinent to applicant's disclosure. The applicant is required under 37 C.F.R. §1.111(C) to

consider these references fully when responding to this action. The Motai U.S. Patent cited

therein presents a screen saver which composes text, in the form of various messages, on a

computer screen. The Nawaz et al. U.S. Patent cited therein presents a screen saver which

composes text, in the form of a stock ticker, on a computer screen. Lastly, the Harbin et al. U.S.

Patent cited therein discloses a screen saver that presents various artistic creations.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Blaine Basom whose telephone number is (703) 305-7694. The

examiner can normally be reached on Monday through Friday, from 8:30 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, John Cabeca can be reached on (703) 308-3116. The fax phone numbers for the

organization where this application or proceeding is assigned are (703) 746-7238 for regular

communications and (703) 746-7240 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding

should be directed to the receptionist whose telephone number is 305-3900.

btb
April 8, 2003
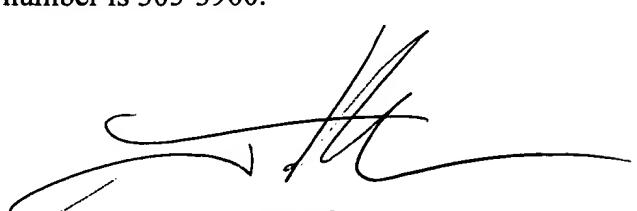
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